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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 15 1994

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

Mr. Brian J. Donovan
The Law Offices of Jones & Donovan
19782 MacArthur Boulevard
Irvine, CA 92715

Dear Mr. Donovan:

Thank you for your letter of November 8, 1993, to Ann Hardison. Ms. Hardison referred the letter to my office for response.

Your letter posed several questions regarding the Department of Transportation's Maritime Administration's sale of obsolete vessels from the National Defense Reserve Fleet, the scrapping of these vessels, and their relationship to Resource Conservation and Recovery Act (RCRA) regulations. Specifically, you called into question an interpretation made by the Maritime Administration which stated that at the time of sale of the obsolete vessels, neither the vessels nor the on board operating materials would be considered wastes. You also inquired about the Maritime Administration's position that although the sale was conditioned upon scrapping of the ship, RCRA hazardous waste export regulations did not apply to MARAD even if the vessels were to leave the country.

Due to the specific nature of your questions, we are referring your letter to:

Karen Schwinn, Chief
Waste Compliance Branch
Hazardous Waste Management Division
EPA Region 9
75 Hawthorne St.
San Francisco, CA 94105

Ms. Schwinn may be reached at (415) 744-2120.

Sincerely,

Elizabeth A. Cotnam
Michael Shapiro, Director
Office of Solid Waste



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